

This document was signed electronically on December 21, 2016, which may be different from its entry on the record.

IT IS SO ORDERED.

Dated: December 21, 2016



A handwritten signature in blue ink, reading "Alan M. Koschik".

ALAN M. KOSCHIK
U.S. Bankruptcy Judge

THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO

IN RE:

Dennis C. Lea
Barbara A. Lea

Debtor(s)

)
) CHAPTER 13
) CASE NO: 15-52871
)

) ALAN M. KOSCHIK
) BANKRUPTCY JUDGE
)

) SUPPLEMENTAL STIPULATION TO THE
) DEBTORS' AGREED ORDER RESOLVING
) MOTION TO INCUR DEBT AND REQUIRING
) AN UNSECURED DIVIDEND OF ONE
) HUNDRED PERCENT (100%) TO UNSECURED
) CREDITORS TO EARN A DISCHARGE
)
)

.....

Now comes Keith L. Rucinski, by and through undersigned counsel, and the debtors in this case, by and through undersigned counsel, and jointly agree to supplement the agreed order approving the debtors' motion to incur debt for the purpose of purchasing a replacement vehicle by further stipulating that all timely filed timely filed, pre-petition, undisputed, non-priority, unsecured creditors must receive a one hundred percent (100%) dividend in order for the debtors to earn a discharge in this case. The parties state the following:

1. This case was filed on or about November 30, 2015.
2. The debtor's plan payments are \$2,383.33 per month and the debtors are

CHAPTER 13
Keith L. Rucinski
Trustee
One Cascade Plaza
Suite 2020
Akron, Oh 44308
(330) 762-6335
Fax
(330) 762-7072
Email
krucinski@chl3akron.com

- current on payments into the plan as of the date of this Order.
3. On or about November 22, 2016, the debtors filed a motion to incur debt for the purpose of purchasing a replacement vehicle. Docket No. 45.
 4. The debtors' motion was before the Court on or about December 1, 2016.
 5. The court granted the debtors' motion, as the parties noted the plan called for a 100% dividend, but the court required an amended schedule J was to be filed to show the debtors could afford the new car payment and do so without affecting their chapter 13 plan payment.
 6. Prior to submitting the agreed order to resolve the motion to incur debt, the debtors filed both an amended schedule J (docket no. 50) that shows the debtors only have \$1,648.82 in disposable income to make their plan payments and later the debtors filed a motion to modify the plan (docket no. 51) requesting to reduce the plan payments from \$2,383.33 to \$1,648.82, indicating that they may struggle to make the ongoing plan payments with the new vehicle.
 7. In order for the debtors' chapter 13 plan to remain feasible, complete within the sixty (60) months pursuant to 11 U.S.C. §1329, and to allow the debtors' plan to continue to make the best efforts to the repayment of creditors as required by 11 U.S.C. § 1325(b)(1)(B) and be administered in the best interests of creditors pursuant to 11 U.S.C. §1325(a)(4), the parties jointly agree that all timely filed, pre-petition, undisputed, non-priority, unsecured creditors must receive a one hundred percent (100%) dividend in order for the debtors' motion to incur debt to be granted and for the debtors to receive a discharge in this chapter 13 case.
 8. Given the debtors' agreement that all timely filed, pre-petition, undisputed, non-priority, unsecured creditors must receive a one hundred percent (100%) dividend the parties agree that the debtors' motion to incur debt for the purpose of purchasing a replacement vehicle is also resolved by a separate agreed order.

WHEREFORE, the above Agreed Entry, subject to the terms and conditions detailed herein, is well taken. In order to earn a discharge in this case all timely filed, pre-petition, undisputed, non-priority, unsecured creditors must receive a one hundred percent (100%) dividend. The Chapter 13 Trustee is authorized to adjust the unsecured dividend based on this Agreed Entry. The Agreed Entry only covers pre-petition claims and should any post-petition claims be filed, the debtor(s) agree those claims will require additional funding.

###

Approved by:

/s/ Joseph Ferrise

Keith L. Rucinski, Chapter 13 Trustee
Ohio Reg. No. 0063137
Joseph A. Ferrise, Staff Attorney
Ohio Reg. No. 0084477
One Cascade Plaza, Suite 2020
Akron, Ohio 44308
T: 330.762.6335
F: 330.762.7072
E: jferrise@ch13akron.com

See E-Mail 12/16/16
Andrea Burdell-Ware, Esquire
Ohio Reg. No. 0075949
420 N. Court Street
Medina, OH 44256

CHAPTER 13
Keith L Rucinski
Trustee
One Cascade Plaza
Suite 2020
Akron, Oh 44308
(330) 762-6335
Fax
(330) 762-7072
Email
krucinski@ch13akron.com

cc:

Dennis C Lea
4219 Western Reserve
Brunswick, OH 44212
Debtor
(via Regular U.S. Mail)

Barbara A. Lea
4219 Western Reserve
Brunswick, OH 44212
Debtor
(via Regular U.S. Mail)

Attorney Andrea Burdell-Ware
(via ECF at abware@abwarelaw.com)

Amy Good, Esq.
Office of the U.S. Trustee
(via ECF at Amy.L.Good@usdoj.gov)

Keith L. Rucinski, Chapter 13 Trustee
(via ECF at krucinski@ch13akron.com)

CHAPTER 13

Keith L Rucinski
Trustee
One Cascade Plaza
Suite 2020
Akron, Oh 44308

(330) 762-6335
Fax
(330) 762-7072
Email
krucinski@ch13akron.com